IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 6161 of 2004

Between:

M/s.Chandra Constructions, a proprietary concern of Mr.A.Mohan Rao,

having office at 36-92-58, Jai Bharat Nagar, NH-5, Burma Camp,

Kancharapalem, Visakhapatnam.

... PETITIONER

AND

Employees Provident Fund Organisation, represented by its

Asst.P.F.Commissioner,
Sub-Regional Office, VUDA Layout, N.A.D.Post, Marripalem,
Visakhapatnam-530 009, Andhra Pradesh.

...RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of mandamus, declaring the actions of respondent in not considering the request for Review of Order under Section 7A(4), and also in issuing demand notice for paying statutory payment of penal damages levied under Section 14B and interest levied under Section 7Q of the E.P.F.& M.P.Act,1952, for the period from 11/96 to 02/2001, without reviewing the order under Revision vide Section 7A(4); as being illegal, arbitrary and unconstitutional since the petitioner has furnished proof of non-liability under the Act; and consequently direct the respondent to consider the reviewing of

the petition filed under Section 7A(4) of the E.P.F. & M.P.Act 1952, and to quash the demand notice towards penal damages for the period from 11/96 to 02/2001.

Counsel for the Petitioner: MR.S.V.S.CHOWDARY

Counsel for the Respondent: MR.R.N.REDDY

The Court, at the admission stage, made the following:

ORDER:

Learned counsel for the petitioner seeks permission to withdraw the writ petition with liberty to the petitioner to file an appeal before the Appellate Tribunal.

Permission is granted.

Recording the above submission made by the learned counsel, the writ petition is dismissed as withdrawn. No costs.

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A. **GOPAL REDDY, J**

November 1, 2004

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1. Asst.P.F.Commissioner, Employees Provident Fund Organisation,

   Sub-Regional Office, VUDA Layout, N.A.D.Post, Marripalem,
   Visakhapatnam-530 009, Andhra Pradesh.

2. Two C.D. Copies.